

From:
To:

[Fugh, Justina](#)

[Adams, Elizabeth](#); [Amon, Dan](#); [Ankley, Gerald](#); [Aunkst, Dana](#); [Avila, Aaron](#); [Badalamente, Mark](#); [Ballotti, Doug](#); [Barber, Delores](#); [Barmakian, Nancy](#); [Barnet, Henry](#); [Barolo, Mark](#); [Barr, Pamela](#); [Battin, Andrew](#); [Behl, Betsy](#); [Benjamin-Sirmons, Denise](#); [Bergstrand, Paul](#); [Best-Wong, Benita](#); [Binder, Bruce](#); [Birnbaum, Rona](#); [Biro, Susan](#); [Blake, Wendy](#); [Blancato, Jerry](#); [Blevins, John](#); [Bloom, David](#); [Boddu, Veera](#); [Bohan, Suzanne](#); [Bonanno, Gale](#); [Bourbon, John](#); [Breen, Barry](#); [Brennan, Thomas](#); [Brincks, Mike](#); [Briskin, Jeanne](#); [Buckley, Timothy](#); [Buhl, Rick](#); [Bunker, Byron](#); [Burneson, Eric](#); [Busterud, Gretchen](#); [Campbell, Jennie](#); [Canzler, Erica](#); [Caro, Vique](#); [Carpenter, Wesley](#); [Cascio, Wayne](#); [Charmley, William](#); [Cherry, Katrina](#); [Chu, Ed](#); [Clanton, Michael](#); [Clark, Becki](#); [Coleman, Charlotte](#); [Conklin, Jeanne](#); [Coogan, Daniel](#); [Coughlin, Christine](#); [Cozad, David](#); [Crossland, Andy](#); [Crossland, Ronnie](#); [Dalbey, Matthew](#); [Daly, Carl](#); [Dawes, Katherine](#); [Dawson, Jeffrey](#); [DeLeon, Rafael](#); [Diaz-Sanchez, David](#); [Dierker, Carl](#); [Dombrowski, John](#); [Dorka, Lilian](#); [Douchand, Larry](#); [Drake, Kerry](#); [Dufour, Alfred](#); [Dunham, Sarah](#); [Dutton, Steven](#); [Echeverria, Marietta](#); [Edwards, Jonathan](#); [Epley, Brian](#); [Epp, Timothy](#); [Esher, Diana](#); [Eubanks, Kristy](#); [Evangalista, Pat](#); [Fernandez, Cristina](#); [Fine, Steven](#); [Fisher, Bill](#); [Fong, Tera](#); [Frazer, Brian](#); [Freeman, Caroline](#); [Fugh, Justina](#); [Garcia, David](#); [Garland, Jay](#); [George, Elizabeth](#); [Gettle, Jeaneanne](#); [Gillespie, Andrew](#); [Gilliland, Alice](#); [Goodin, John](#); [Goodis, Michael](#); [Goss Eng, Alison](#); [Grantham, Nancy](#); [Gray, Linda](#); [Gray, Richard](#); [Greene, Mary](#); [Grifo, Francesca](#); [Grundler, Christopher](#); [Guerrero, Carmen](#); [Guilaran, Yu-Ting](#); [Guiseppe-Elie, Annette](#); [Gullett, Brian](#); [Gunning, Paul](#); [Gutierrez, Sally](#); [Gwinn, Maureen](#); [Hagler, Gayle](#); [Hamjian, Lynne](#); [Hamlin, Tim](#); [Harris, Michael](#); [Hart, Debbi](#); [Hartman, Mark](#); [Haugen, David](#); [Helm, Arron](#); [Hengst, Benjamin](#); [Henry, Tala](#); [Hill, Randy](#); [Hisel-McCoy, Sara](#); [Hitchens, Lynann](#); [Hoff, Dale](#); [Holt, Kay](#); [Hoskinson, Carolyn](#); [Hubbell, Bryan](#); [Huffman, Diane](#); [Hughes, Hayley](#); [Humphrey, Leslie](#); [Hunt, JuanCarlos](#); [Iglesias, Ariel](#); [Jackson, Yvette](#); [Jernberg, Jorianne](#); [Johnson, Arthur](#); [Jones, Samantha](#); [Jones-Peeler, Meshell](#); [Jordan, Deborah](#); [Judson, Richard](#); [Kaczmarek, Chris](#); [Kadeli, Lek](#); [Kamen, Mara](#); [Kaplan, Robert](#); [Kasman, Mark](#); [Keeley, Ann](#); [Keigwin, Richard](#); [Kelley, Rosemarie](#); [Kemker, Carol](#); [Kenny, Shannon](#); [Kloss, Christopher](#); [Knudsen, Thomas](#); [Koerber, Mike](#); [Korleski, Christopher](#); [Koslow, Karin](#); [Kowalski, Edward](#); [LaPosta, Dore](#); [Lassiter, Penny](#); [Lattimore, Craig](#); [Laureano, Javier](#); [Layne, Arnold](#); [Le, Madison](#); [Lee, Charles](#); [Legare, Pamela](#); [Leonard, Paul](#); [Li, Beverly](#); [Libertz, Catherine](#); [lindsay.nancy@epa.gov](#); [Lloyd, David](#); [Lowery, Brgid](#); [Lowit, Anna](#); [Lupinacci, Jean](#); [Lynch, Mary-Kay](#); [Mackey, Cyndy](#); [Maguire, Charles](#); [Maher, Karen](#); [Manning, Tonya](#); [Martian, Stefan](#); [Mathias, Scott](#); [Mathur, Rohit](#); [Matuszko, Jan](#); [May, Benjamin](#); [Mazakas, Pam](#); [McCluney, Lance](#); [McDonald, James](#); [McGartland, Al](#); [McGuire, Karen](#); [McGuire, James](#); [McLain, Jennifer L.](#); [McManus, Catharine](#); [Melvin, Karen](#); [Messina, Edward](#); [Miller, Anthony](#); [Miller, Wynne](#); [Miller, Amy](#); [Monell, Carol](#); [Mooney, John](#); [Moraff, Kenneth](#); [Mosby, Jackie](#); [Mottley, Tanya](#); [Mugdan, Walter](#); [Munns, Wayne](#); [Myrick, Pamela](#); [Nagle, Deborah](#); [Nam, Ed](#); [nesci.kimberly@epa.gov](#); [Neugeboren, Steven](#); [Newton, Cheryl](#); [Nguven, Duch](#); [Nichols, Tonya](#); [Nickerson, William](#); [Nicolosi, Laura](#); [Noga, Vaughn](#); [O'Brien, Kathy](#); [O'Connor, Darcy](#); [Ohanian, Edward](#); [Olson, Bryan](#); [Opalski, Dan](#); [Osinski, Michael](#); [Pace, Donald](#); [Packard, Elise](#); [Palmer, Leif](#); [Patlewicz, Grace](#); [Patrick, Kimberly](#); [Payne, James \(Jim\)](#); [Pease, Anita](#); [Perez, Marc](#); [Peterson, Mary](#); [Pirzadeh, Michelle](#); [Pollins, Mark](#); [Price-Fay, Michelle](#); [Quast, Sylvia](#); [Reaves, Elissa](#); [Reed, Khesha](#); [Richardson, RobinH](#); [Roache, Brendan](#); [Robbins, Chris](#); [Robichaud, Jeffery](#); [Rodan, Bruce](#); [Rodrigues, Cecil](#); [Ross, Mary](#); [Rowson, David](#); [Ruvo, Richard](#); [Salver, Kathleen](#); [Sams, Reeder](#); [Sanders, Amy](#); [Sasser, Erika](#); [Sasseville, Sonya](#); [Sawyers, Andrew](#); [Sayles, Gregory](#); [Schefski, Kenneth \(KC\)](#); [Scheraga, Joel](#); [Schmidt, Lorie](#); [Scott, Jeff](#); [Scozzafava, MichaelE](#); [Seager, Cheryl](#); [Serassio, Helen](#); [Shah, Imran](#); [Shapiro, Andy](#); [Shaw, Betsy](#); [Sheehan, Charles](#); [Shields, Edward](#); [Simon, Harvey](#); [Simon, Karl](#); [Simon, Nigel](#); [Singh, Amar V.](#); [Singleton, DeAndre](#); [Skelley, Dana](#); [Smidinger, Betsy](#); [Smith, Mark A.](#); [Smith, Charles](#); [Speth, Thomas](#); [Srinivasan, Gautam](#); [Stalcup, Dana](#); [Stanich, Ted](#); [Starfield, Lawrence](#); [Steenbock, John](#); [Stein, Kathie](#); [Stein, Raffael](#); [Strong, Jamie](#); [Szaro, Deb](#); [Talbert-Duarte, Angelia](#); [Tapia, Cecilia](#); [Tapp, Joshua](#); [Taylor, Jessica](#); [Tejada, Matthew](#); [Tellis, Vickie](#); [Terada, Calvin](#); [Terris, Carol](#); [Thayer, Kris](#); [Thomas, Deb](#); [Thomas, Russell](#); [Thompkins, Anita](#); [Thornhill, Alan](#); [Tomiak, Robert](#); [Torres, Tomas](#); [Trimble, Katherine](#); [Tsigotis, Peter](#); [Updike, David](#); [VanDrunick, Suzanne](#); [Veal, Lee](#); [Viswanathan, Krishna](#); [Vogel, Dana](#); [Wall, Tom](#); [Walsh, Ed](#); [Watkins, Tim](#); [Wayland, Richard](#); [Weber, Rebecca](#); [Wells, Jeffrey](#); [Wells, Krysti](#); [Werner, Jacqueline](#); [Whung, Pai-Yei](#); [Widawsky, David](#); [Williams, Antony](#); [Williams, Maria](#); [Williamson, Anahita](#); [Wood, Anna](#); [Wood, Robert](#); [Wooden-Aguilar, Helena](#); [Wright, Stephanie L.](#); [wyatt.marc@epa.gov](#); [Zapata, Cesar](#); [Zartarian, Valerie](#); [Zepp, Richard](#)

Subject:

News about your upcoming financial disclosure filing requirement

Date:

Sunday, January 23, 2022 9:06:00 PM

Attachments:

[Advisory to all 278 filers about filing fee.pdf](#)

[When to Report Transactions on the OGE 278 and Part 7 - November 2020.docx](#)

Hi there,

As you are undoubtedly – and perhaps even painfully -- aware, you are in a position (either acting or permanently) that requires you to file the public financial disclosure report (also known as the 278). This year, we will be assigning your incumbent reports to you *in late February*, so not as early as in previous years. Your due date will be May 16 (because 5/15 is a Sunday), and the reporting period for your incumbent report will be CY 2021 only. But, hey, since I have your attention, allow me to share some important reminders about 278s:

- *Did you know?* EPA was among the first federal agencies to adopt INTEGRITY, the electronic financial disclosure filing system. We've been using it since 2015. Government-wide, there are now more than 35,000 users of this system. At EPA, we typically have more than 250 public filers at any time.

- *Remember about periodic transaction reporting!* You are required to report any transactions of stocks or bonds more than \$1000 within 30 days after receiving notice but not later than 45 days after the trade itself. Do so by filing a 278T in INTEGRITY. If you are late, then you are subject to an automatic late filing fee of \$200 for missing the deadline. Attached is our reminder about late filing fees as well as a chart about transaction reporting. Alas, last year, we had to fine more than half a dozen people for late transaction filings.
- *Whom should you contact with questions?* Four of us in OGC/Ethics review 278s, so here's the list of contacts for you:

OGC/Ethics	ORGANIZATIONS
Victoria Clarke	OIG, OGC, OMS, OW, Regions 3 and 4
Justina Fugh	AO, OCFO, OITA and Regions 8, 9 and 10
Shannon Griffo	OAR, OCSPP, OECA and Regions 1 and 2
Ferne Mosley	OLEM, ORD and Regions 5, 6 and 7

Thanks for your attention to ethics issues, and we know you're eagerly anticipating the start of the public financial disclosure reporting season later in February!

Cheers,

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Timely Filing of Public Financial Disclosure and Periodic Transaction Reports

FROM: David Cozad *David Cozad* 8/29/19
Acting Designated Agency Ethics Official

TO: All EPA Public Financial Disclosure Report Filers

In 1978, Congress enacted the Ethics In Government Act, 5 U.S.C. app., to establish the Executive Branch financial disclosure reporting system that requires mandatory public disclosure of financial and employment information of certain officials and their immediate families. Because you occupy a designated position (either permanently or for more than 60 days on detail), you are required by this statute to file the public financial disclosure report. As executive branch employees, we are all bound by federal ethics laws and regulations, including prohibitions against financial conflicts of interest and loss of impartiality. Your disclosures allow the Office of General Counsel's Ethics Office (OGC/Ethics) to assist you in identifying and addressing potential or actual conflicts of interest in order to maintain the integrity of the Agency's programs and operations.

This memorandum formally reminds you that you are required by law to timely and accurately file your Public Financial Disclosure Reports (OGE 278e)¹ and Periodic Transaction Reports (OGE 278-Ts).² Failure to file timely will result in a **\$200 late filing fee** unless you formally request and receive a waiver of the late fee from the Designated Agency Ethics Official (DAEO) or Alternate Designated Agency Ethics Official (ADAEO).³ Unpaid late fees are subject to the Agency's⁴ and the government's debt collection procedures.

In addition to filing timely, you must also file a complete and accurate report. Should OGC/Ethics contact you for any additional required information, you will have no more than **30 days** to update your report. For guidance on how to file an accurate report, please refer to the Public Financial Disclosure Guide or contact OGC/Ethics at ethics@epa.gov.

¹ See 5 U.S.C. app. § 101; 5 C.F.R. § 2634.201.

² Pub. L. 112-105 § 11 (STOCK Act).

³ See 5 U.S.C. app. § 104(d)(1); 5 C.F.R. § 2634.704(a).

⁴ See Resource Management Directive System 2540-03-P2 dated 07/12/2016.

Please refer to this chart for your filing obligations:

OGE 278e - New Entrant reports	Within 30 days of entering a covered position (either by appointment to a permanent or acting in covered position)
OGE 278e – Incumbent reports	No later than May 15
OGE 278e – Termination reports	No later than 30 days after leaving a covered position (either through reassignment, resignation, or the end of acting in a covered position) (Reports may be submitted within 15 days prior to termination)
OGE 278T – Periodic transaction reports ⁵	The earlier of 30 days after learning of a transaction or 45 days of the transaction taking place.

How to request an extension of the filing deadline:

For good cause (e.g., travel, workload issues, sickness), you may request up to two 45-day extensions. Submit the request by email, including the reason, to ethics@epa.gov **prior to the due date**. Extensions cannot be granted after the due date has passed.

How to request the waiver of a late filing fee:

If *extraordinary circumstances* prevented you from meeting the deadline and OGC/Ethics assessed a late fee, you may request a waiver of the late fee. See 5 C.F.R. § 2634.704. Submit your request in writing to ethics@epa.gov, to the attention of the DAEO and ADAEO, describing the extraordinary circumstances and provide any supporting documentation. Please note that vacations or routine work obligations are not “extraordinary” circumstances. The decision to grant or deny a waiver is at the sole discretion of the DAEO/ADAEO and is final.

You are required by law to comply with these financial reporting obligations. Your colleagues in OGC/Ethics are available to provide assistance, but it is always your obligation to file your reports timely and accurately. In fact, ethics regulations *require* that we refer individuals to the Department of Justice (DOJ) when there is reasonable cause to believe that they have willfully failed to file a required report or provide the information that the report requires. The current maximum civil penalty is \$56,216.⁶

As public servants, we know that you take your ethics obligations seriously. As such, we expect you to make a good faith effort to adhere to the timeliness and completeness requirements of your financial disclosure reporting obligations. If you have any questions, please contact ethics@epa.gov.

ATTACHMENT - *When to Report Transactions on the OGE 278 and OGE 278T*

cc: Justina Fugh, Alternate Designated Agency Ethics Official

⁵ See attached guidance – *When to Report Transactions on the OGE 278 and OGE 278T*.

⁶ In 2012, OGC/Ethics referred an individual to DOJ for failure to file a termination report despite repeated reminders and entreaties. That individual paid a civil penalty of \$15,000 and still had to file the termination report.

When to Report Transactions

FILING DEADLINE : 30 days from notification or 45 days from transaction *whichever is earlier*

A \$200 late filing fee penalty is assessed for each late periodic reporting period¹

	Periodic Transaction Report	Annual and/or Termination Report
Investment Assets	Report on the OGE 278-T?	Report on Part 7 of the OGE 278e?
Transactions of \$1,000 or less		
• Any asset in which the transaction amount is \$1,000 or less regardless of the type of asset or who owns the asset	No	No
Investment assets held by you, your spouse, or jointly held		
• Stocks or stock options	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• Commodity futures	Yes	Yes
• Other investment securities	Yes	Yes
• Assets listed above in your individual, joint, or spousal brokerage accounts managed accounts, IRAs, other retirement accounts, and/or other investment vehicles	Yes	Yes
Your dependent child's investment assets		
• Stocks	Yes	Yes
• Corporate or municipal bonds (exclude U.S. Treasury securities)	Yes	Yes
• commodity futures	Yes	Yes
• other investment securities	Yes	Yes
• Assets listed above in dependent child's <u>own</u> or UGMA brokerage account, IRAs, and/or other investment vehicles	Yes	Yes
Other investment assets irrespective of ownership		
• Real Property	No	Yes ²
• Mutual funds, exchange traded funds, 529 plans, index funds, and/or other "excepted investment funds" ³	No	Yes
• Any asset in which the transaction amount is \$1,000 or less	No	No
• Cash accounts (deposits and/or withdrawals) or certificates of deposit	No	No
• Money market accounts and mutual funds	No	No
• US Treasury securities (e.g., T bills, Treasury bonds, savings bonds)	No	No
• Federal government retirement accounts (e.g., Thrift Savings Plan)	No	No
• Life insurance and annuities	No	No
• Collectibles	No	No
• Assets held within an excepted trust ⁴	No	No
• Transfer of assets between you, your spouse, and your dependent children	No	No

Last updated November 2020

¹ This late fee is automatically imposed by law and is non-negotiable. You may request a waiver of any late filing fee from the Designated Agency Ethics Official or the Alternate DAEO if there are extraordinary circumstances. A fee waiver is at the sole discretion of the DAEO/ADAEO and is not subject to appeal. A filer who has unpaid late fees will be referred to the appropriate federal office or agency for debt collection procedures.

² Do not report the purchase or sale of your personal residence on Part 7 unless you rent it out at any time during the reporting period.

³ To be an excepted investment fund (EIF), the asset must be:

- (a) widely held (more than 100 participants),
- (b) independently managed – arranged so that you neither exercise control nor have the ability to exercise control over the financial interests held by the fund, and
- (c) publicly traded (or available) or widely diversified.

Managed accounts, investment clubs, trusts, 529 accounts, brokerage accounts, and individual retirement accounts (IRAs) are not excepted investment funds in and of themselves. It may be that individual assets held within these types of investment vehicles may qualify as EIFs if, for example, your IRA holds a publicly-traded mutual fund. But the fact that you have a managed account does not absolve you of your reporting requirements. That account is legally owned by you, and you're responsible for its assets and reporting transactions. If you have questions, contact ethics@epa.gov.

⁴ OGC/Ethics must determine that your trust qualifies as an “excepted trust.” For help, email ethics@epa.gov.

Message

From: Ross, Margaret [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38CAF91847DD4F95810C1F96D918871C-ROSS, MARGARET]
Sent: 2/5/2019 2:53:12 PM
To: Margaret Ross (Ross.Margaret@epa.gov) [Ross.Margaret@epa.gov]
BCC: Abboud, Michael [abboud.michael@epa.gov]; Allen, Reginald [Allen.Reginald@epa.gov]; Allnutt, David [Allnutt.David@epa.gov]; Amon, Dan [Amon.Dan@epa.gov]; Anastas, Nicholas [Anastas.Nicholas@epa.gov]; Ankley, Gerald [Ankley.Gerald@epa.gov]; Ashbee, Blake [ashbee.blake@epa.gov]; Avila, Aaron [avila.aaron@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Bagley, Mark [Bagley.Mark@epa.gov]; Bahadori, Tina [Bahadori.Tina@epa.gov]; Banister, Beverly [Banister.Beverly@epa.gov]; Baptist, Erik [baptist.erik@epa.gov]; Barnett, Henry [Barnett.Henry@epa.gov]; Barone, Stan [Barone.Stan@epa.gov]; Barr, Pamela [Barr.Pamela@epa.gov]; Battaglia, Amy [Battaglia.Amy@epa.gov]; Battin, Andrew [Battin.Andrew@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Beck, Nancy [Beck.Nancy@epa.gov]; Behl, Betsy [Behl.Betsy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Benforado, Jay [Benforado.Jay@epa.gov]; Benjamin-Sirmons, Denise [Benjamin-Sirmons.Denise@epa.gov]; Bennett, Tate [Bennett.Tate@epa.gov]; Benson, William [Benson.William@epa.gov]; Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]; Best-Wong, Benita [Best-Wong.Benita@epa.gov]; Binder, Bruce [Binder.Bruce@epa.gov]; Biro, Susan [Biro.Susan@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Blancato, Jerry [Blancato.Jerry@epa.gov]; Blevins, John [Blevins.John@epa.gov]; Block, Molly [block.molly@epa.gov]; Bloom, David [Bloom.David@epa.gov]; Bohan, Suzanne [bohan.suzanne@epa.gov]; Bolen, Brittany [bolen.brittany@epa.gov]; Bolen, Derrick [bolen.derrick@epa.gov]; Bonanno, Gale [Bonanno.Gale@epa.gov]; Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Breen, Barry [Breen.Barry@epa.gov]; Brennan, Thomas [Brennan.Thomas@epa.gov]; Brincks, Mike [brincks.mike@epa.gov]; Briskin, Jeanne [Briskin.Jeanne@epa.gov]; Brooks, Karl [brooks.karl@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Buckley, Timothy [Buckley.Timothy@epa.gov]; Buhl, Rick [Buhl.Rick@epa.gov]; Bunker, Byron [bunker.byron@epa.gov]; Burneson, Eric [Burneson.Eric@epa.gov]; Bussard, David [Bussard.David@epa.gov]; Campbell, Dave [campbell.dave@epa.gov]; Carpenter, Angela [Carpenter.Angela@epa.gov]; Carpenter, Wesley [Carpenter.Wesley@epa.gov]; Carter, Rick [Carter.Rick@epa.gov]; Cascio, Wayne [Cascio.Wayne@epa.gov]; Chancellor, Erin [chancellor.erin@epa.gov]; Charmley, William [charmley.william@epa.gov]; Chase, Felicia [chase.felicia@epa.gov]; Cheatham, Reggie [cheatham.reggie@epa.gov]; Cherry, Katrina [Cherry.Katrina@epa.gov]; Christensen, Kevin [Christensen.Kevin@epa.gov]; Chu, Ed [Chu.Ed@epa.gov]; Clark, Becki [Clark.Becki@epa.gov]; Coe, Mary [Coe.Mary@epa.gov]; Cogliano, Vincent [cogliano.vincent@epa.gov]; Coleman, Cheryl [Coleman.Cheryl@epa.gov]; Connors, Sandra [Connors.Sandra@epa.gov]; Conolly, Rory [Conolly.Rory@epa.gov]; Conway, Timothy [Conway.Tim@epa.gov]; Cook, Steven [cook.steven@epa.gov]; Coughlin, Christine [Coughlin.Christine@epa.gov]; Cozad, David [Cozad.David@epa.gov]; Cozzie, David [Cozzie.David@epa.gov]; Dalbey, Matthew [Dalbey.Matthew@epa.gov]; Darwin, Henry [darwin.henry@epa.gov]; Darwin, Veronica [darwin.veronica@epa.gov]; Davis, Patrick [davis.patrick@epa.gov]; Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Dekleva, Lynn [dekleva.lynn@epa.gov]; DeLeon, Rafael [DeLeon.Rafael@epa.gov]; DeMarco, Frank [DeMarco.Frank@epa.gov]; Devlin, Betsy [Devlin.Betsy@epa.gov]; Diaz-Sanchez, David [Diaz-Sanchez.David@epa.gov]; Dierker, Carl [Dierker.Carl@epa.gov]; Dixon, Sean [dixon.sean@epa.gov]; Doa, Maria [Doa.Maria@epa.gov]; Dolph, Becky [Dolph.Becky@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; Dominguez, Alexander [dominguez.alexander@epa.gov]; Donahue, Sean [donahue.sean@epa.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Doyle, Brett [doyle.brett@epa.gov]; Drake, Kerry [Drake.Kerry@epa.gov]; Dufour, Alfred [Dufour.Alfred@epa.gov]; Dunham, Sarah [Dunham.Sarah@epa.gov]; Dunlap, David [dunlap.david@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]; Eby, Natasha [eby.natasha@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Edlund, Carl [edlund.carl@epa.gov]; Edwards, Jonathan [Edwards.Jonathan@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Epley, Brian [epley.brian@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]; Esher, Diana [Esher.Diana@epa.gov]; Etzel, Ruth [Etzel.Ruth@epa.gov]; Eubanks, Kristy [Eubanks.Kristy@epa.gov]; Falvo, Nicholas [falvo.nicholas@epa.gov]; Fays, Michael [fays.michael@epa.gov]; Fernandez, Cristina [Fernandez.Cristina@epa.gov]; Fields, Jenifer [fields.jenifer@epa.gov]; Filippelli, John [Filippelli.John@epa.gov]; Fine, Steven [fine.steven@epa.gov]; Fisher, Bill [Fisher.William@epa.gov]; Flowers, Lynn [Flowers.Lynn@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Frace, Sheila [Frace.Shea@epa.gov]; Frithsen, Jeff [Frithsen.Jeff@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Fugh, Justina [Fugh.Justina@epa.gov]; Garcia, David [Garcia.David@epa.gov]; Garland, Jay [Garland.Jay@epa.gov]; Garvey, Megan [garvey.megan@epa.gov]; Geller, Andrew [Geller.Andrew@epa.gov]; George, Elizabeth [george.elizabeth@epa.gov]; Gervais, Gregory [Gervais.Gregory@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Gillespie, Andrew [Gillespie.Andrew@epa.gov]; Gilliland, Alice [Gilliland.Alice@epa.gov]; Goodin, John [Goodin.John@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov];

Gordon, Stephen [gordon.stephen@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Gray, David [gray.david@epa.gov]; Gray, Linda [gray.linda@epa.gov]; Grifo, Francesca [Grifo.Francesca@epa.gov]; Grimm, Patrick [Grimm.Patrick@epa.gov]; Grundler, Christopher [grundler.christopher@epa.gov]; Guerrero, Carmen [guerrero.carmen@epa.gov]; Guilaran, Yu-Ting [Guilaran.Yu-Ting@epa.gov]; Guiseppi-Elie, Annette [Guiseppi-Elie.Annette@epa.gov]; Gullett, Brian [Gullett.Brian@epa.gov]; Gulliford, Jim [gulliford.jim@epa.gov]; Gunasekara, Mandy [Gunasekara.Mandy@epa.gov]; Gunning, Paul [Gunning.Paul@epa.gov]; Gutierrez, Sally [Gutierrez.Sally@epa.gov]; Hadley, Angela [Hadley.Angela@epa.gov]; Haeuber, Richard [Haeuber.Richard@epa.gov]; Hage, Christopher [hage.christopher@epa.gov]; Hamlin, Tim [Hamlin.Tim@epa.gov]; Hanson, Paige (Catherine) [hanson.catherine@epa.gov]; Harlow, David [harlow.david@epa.gov]; Harnett, Bill [Harnett.Bill@epa.gov]; Harrison, Ben [Harrison.Ben@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Harvey, Reid [Harvey.Reid@epa.gov]; Hauchman, Fred [hauchman.fred@epa.gov]; Haugen, David [haugen.david@epa.gov]; Heard, Anne [Heard.Anne@epa.gov]; Helm, Arron [Helm.Arron@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hestmark, Martin [Hestmark.Martin@epa.gov]; Hewitt, James [hewitt.james@epa.gov]; Hill, Franklin [Hill.Franklin@epa.gov]; Hill, Randy [Hill.Randy@epa.gov]; Hindin, David [Hindin.David@epa.gov]; Hines, Ronald [Hines.Ronald@epa.gov]; Hisel-McCoy, Sara [Hisel-McCoy.Sara@epa.gov]; Hitchens, Lynnann [hitchens.lynnann@epa.gov]; Hladick, Christopher [hladick.christopher@epa.gov]; Hoff, Dale [Hoff.Dale@epa.gov]; Holt, Kay [Holt.Kay@epa.gov]; Hoskinson, Carolyn [Hoskinson.Carolyn@epa.gov]; Humphreys, Hayly [humphreys.hayly@epa.gov]; Hyde, Tinka [hyde.tinka@epa.gov]; Idsal, Anne [idsal.anne@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]; Jackson, Yvette [Jackson.Yvette@epa.gov]; Jennings, Robert [Jennings.Robert@epa.gov]; Johnson, Arthur [Johnson.Arthur@epa.gov]; Johnson, Barnes [Johnson.Barnes@epa.gov]; Johnson, James [Johnson.James@epa.gov]; Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Jones, Lindsey [jones.lindsey@epa.gov]; Jones, Samantha [Jones.Samantha@epa.gov]; Jones-Peeler, Meshell [Jones-Peeler.Meshell@epa.gov]; Jordan, Deborah [Jordan.Deborah@epa.gov]; Judson, Richard [Judson.Richard@epa.gov]; Kadeli, Lek [Kadeli.Lek@epa.gov]; Kaplan, Robert [kaplan.robert@epa.gov]; Kasman, Mark [Kasman.Mark@epa.gov]; Kenny, Shannon [Kenny.Shannon@epa.gov]; Knudsen, Thomas [Knudsen.Thomas@epa.gov]; Konkus, John [konkus.john@epa.gov]; Kopec, Slawomir [kopec.slawomir@epa.gov]; Korleski, Christopher [korleski.christopher@epa.gov]; Kowalski, Edward [Kowalski.Edward@epa.gov]; Kunderinger, Kelly [kunderinger.kelly@epa.gov]; Lapierre, Kenneth [lapierre.kenneth@epa.gov]; LaPosta, Dore [LaPosta.Dore@epa.gov]; Lattimore, Kraig [lattimore.kraig@epa.gov]; Laureano, Javier [laureano.javier@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Lee, Charles [Lee.Charles@epa.gov]; Lee, Maja [lee.maja@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Legare, Pamela [Legare.Pamela@epa.gov]; Leopard, Matthew (OEI) [Leopard.Matthew@epa.gov]; Letendre, Daisy [letendre.daisy@epa.gov]; Lindsay, Nancy [Lindsay.Nancy@epa.gov]; Lopez, Peter [lopez.peter@epa.gov]; Lovell, Will (William) [lovell.william@epa.gov]; Lowery, Brigid [Lowery.Brigid@epa.gov]; Lowit, Anna [Lowit.Anna@epa.gov]; Lowrance, Richard [Lowrance.Richard@epa.gov]; Lueckenhoff, Dominique [Lueckenhoff.Dominique@epa.gov]; Lynch, Mary-Kay [Lynch.Mary-Kay@epa.gov]; Lyon, Christopher [lyon.christopher@epa.gov]; Lyons, Troy [lyons.troy@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Maguire, Charles [maguire.charles@epa.gov]; Maher, Karen [Maher.Karen@epa.gov]; Manna, Richard [Manna.Richard@epa.gov]; Manzanilla, Enrique [Manzanilla.Enrique@epa.gov]; Mathur, Rohit [Mathur.Rohit@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; McDonald, James [McDonald.James@epa.gov]; McDonough, Owen [mcdonough.owen@epa.gov]; McGartland, Al [McGartland.Al@epa.gov]; McIlwain, Serena [McIlwain.Serena@epa.gov]; McKinney, Robert [mckinney.robert@epa.gov]; McLain, Jennifer [McLain.Jennifer@epa.gov]; McManus, Catharine [mcmanus.catharine@epa.gov]; McNally, Robert [Mcnally.Robert@epa.gov]; Melvin, Karen [Melvin.Karen@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Michaud, John [Michaud.John@epa.gov]; Miller, Wynne [Miller.Wynne@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Moraff, Kenneth [Moraff.Ken@epa.gov]; Morgan, Ashley [morgan.ashley@epa.gov]; Morris, Jeff [Morris.Jeff@epa.gov]; Mosby, Jackie [Mosby.Jackie@epa.gov]; Moser, Rebecca [Moser.Rebecca@EPA.GOV]; Mottley, Tanya [Mottley.Tanya@epa.gov]; Mugdan, Walter [Mugdan.Walter@epa.gov]; Munns, Wayne [Munns.Wayne@epa.gov]; Munoz, Charles [munoz.charles@epa.gov]; Myrick, Pamela [Myrick.Pamela@epa.gov]; Nagle, Deborah [Nagle.Deborah@epa.gov]; Nam, Ed [nam.ed@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Newton, Cheryl [Newton.Cheryl@epa.gov]; Nguyen, DucH [Nguyen.DucH@epa.gov]; Nickerson, William [Nickerson.William@epa.gov]; Nishida, Jane [Nishida.Jane@epa.gov]; Noga, Vaughn [Noga.Vaughn@EPA.GOV]; Noonan, Jenny [Noonan.Jenny@epa.gov]; Nussbaumer, James [nussbaumer.james@epa.gov]; OBrien, Kathy [Obrien.Kathy@epa.gov]; O'Connor, Darcy [oconnor.darcy@epa.gov]; Ohanian, Edward [Ohanian.Edward@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]; Orme-Zavaleta, Jennifer [Orme-Zavaleta.Jennifer@epa.gov]; Packard, Elise [Packard.Elise@epa.gov]; Palich, Christian [palich.christian@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Patlewicz, Grace [Patlewicz.Grace@epa.gov]; Patrick, Kimberly [Patrick.Kimberly@epa.gov]; Payne, James [payne.james@epa.gov]; Peabody, Hitch [Peabody.Hitch@epa.gov]; Petrole, Maryann [Petrole.Maryann@epa.gov];

Pirzadeh, Michelle [Pirzadeh.Michelle@epa.gov]; Polk, Denise [Polk.Denise@epa.gov]; Pollins, Mark [Pollins.Mark@epa.gov]; Price, PaulS [Price.PaulS@epa.gov]; Prince, John [Prince.John@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]; Radzikowski, Mary Ellen [Radzikowski.Maryellen@epa.gov]; Reeder, John [Reeder.John@epa.gov]; Regli, Stig [Regli.Stig@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Ringel, Aaron [ringel.aaron@epa.gov]; Robbins, Chris [Robbins.Chris@epa.gov]; Robertson, Lakeshia [robertson.lakeshia@epa.gov]; Robichaud, Jeffery [Robichaud.Jeffery@epa.gov]; Rodrick, Christian [rodrick.christian@epa.gov]; Rodrigues, Cecil [rodrigues.cecil@epa.gov]; Rogers, John M. [Rogers.John@epa.gov]; Ross, Mary [Ross.Mary@epa.gov]; Rowson, David [Rowson.David@epa.gov]; Salyer, Kathleen [Salyer.Kathleen@epa.gov]; Sanders, Amy [Sanders.Amy@epa.gov]; Sasser, Erika [Sasser.Erika@epa.gov]; Sasseville, Sonya [Sasseville.Sonya@epa.gov]; Sawyers, Andrew [Sawyers.Andrew@epa.gov]; Sayles, Gregory [Sayles.Gregory@epa.gov]; Schaaf, Eric [Schaaf.Eric@epa.gov]; Schefski, Kenneth [Schefski.Kenneth@epa.gov]; Scheraga, Joel [Scheraga.Joel@epa.gov]; Schmidt, Lorie [Schmidt.Lorie@epa.gov]; Schumacher, Brian [Schumacher.Brian@epa.gov]; Schwab, Justin [schwab.justin@epa.gov]; Scott, Jeff [Scott.Jeff@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]; Segall, Martha [Segall.Martha@epa.gov]; Servidio, Cosmo [servidio.cosmo@epa.gov]; Shah, Imran [Shah.Imran@epa.gov]; Shaw, Betsy [Shaw.Betsy@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Silzer, Stefan [Silzer.Stefan@epa.gov]; Simon, Harvey [Simon.Harvey@epa.gov]; Simon, Karl [Simon.Karl@epa.gov]; Simon, Nigel [Simon.Nigel@epa.gov]; Simons, Vicki [Simons.Vicki@epa.gov]; Singh, Amar V. [singh.amar@epa.gov]; Slimak, Michael [Slimak.Michael@epa.gov]; Smidinger, Betsy [Smidinger.Betsy@epa.gov]; Smith, Mark A. [Smith.Marka@epa.gov]; Smith, Walker [Smith.Walker@epa.gov]; Snyder, Carolyn [Snyder.Carolyn@epa.gov]; Snyder, Emily [Snyder.Emily@epa.gov]; Sonich-Mullin, Cynthia [Sonich-Mullin.Cynthia@epa.gov]; Srinivasan, Gautam [Srinivasan.Gautam@epa.gov]; Stalcup, Dana [Stalcup.Dana@epa.gov]; Stanek, Lindsay [Stanek.Lindsay@epa.gov]; Stanich, Ted [Stanich.Ted@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Stavnes, Sandra [Stavnes.Sandra@epa.gov]; Steenbock, John [Steenbock.John@epa.gov]; Stein, Kathie [Stein.Kathie@epa.gov]; Stein, Raffael [Stein.Raffael@epa.gov]; Stepp, Cathy [stepp.cathy@epa.gov]; Stern, Allyn [Stern.Alyn@epa.gov]; Stoker, Michael B. [stoker.michael@epa.gov]; Strauss, Alexis [Strauss.Alexis@epa.gov]; Sugiyama, George [sugiyama.george@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Symmes, Brian [Symmes.Brian@epa.gov]; Tapia, Cecilia [Tapia.Cecilia@epa.gov]; Taylor, Jessica [taylor.jessica@epa.gov]; Teichman, Kevin [Teichman.Kevin@epa.gov]; Tejada, Matthew [Tejada.Matthew@epa.gov]; Terris, Carol [Terris.Carol@epa.gov]; Thayer, Kris [thayer.kris@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]; Thomas, Russell [Thomas.Russell@epa.gov]; Thompkins, Anita [Thompkins.Anita@epa.gov]; Thompson, Fred [Thompson.Fred@epa.gov]; Torres, Tomas [Torres.Tomas@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Tsirigotis, Peter [Tsirigotis.Peter@epa.gov]; Vandenberg, John [Vandenberg.John@epa.gov]; vanDrunick, Suzanne [vanDrunick.Suzanne@epa.gov]; Veal, Lee [Veal.Lee@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Vizian, Donna [Vizian.Donna@epa.gov]; Vogel, Dana [Vogel.Dana@epa.gov]; Walker, Mary [walker.mary@epa.gov]; Wall, Tom [Wall.Tom@epa.gov]; Walsh, Ed [Walsh.Ed@epa.gov]; Ward, Mary-Beth [Ward.Mary-Beth@epa.gov]; Watkins, Tim [Watkins.Tim@epa.gov]; Wayland, Richard [Wayland.Richard@epa.gov]; Weber, Rebecca [Weber.Rebecca@epa.gov]; Weiss, Steven [Weiss.Steven@epa.gov]; Wells, Jeffrey [Wells.jeffrey@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Whung, Pai-Yei [Whung.Pai-Yei@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Wilcox, Jahan [wilcox.jahan@epa.gov]; Wildeman, Anna [wildeman.anna@epa.gov]; Williams, Antony [Williams.Antony@epa.gov]; Williamson, Anahita [Williamson.Anahita@epa.gov]; Wood, Robert [Wood.Robert@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]; Woods, Clint [woods.Clint@epa.gov]; Woolford, James [Woolford.James@epa.gov]; Young, Brenda [young.brenda@epa.gov]; Zartarian, Valerie [Zartarian.Valerie@epa.gov]; Zepp, Richard [Zepp.Richard@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]; Wood, Anna [Wood.Anna@epa.gov]

Subject: Public Financial Disclosure Reports due May 15, 2019

Greetings Public Filers,

Last week, you received an annual financial disclosure report assignment from INTEGRITY.gov. This report covers calendar year 2018. The deadline for annual reports is 5/15/19. If you believe that you have received this assignment in error, or if you need assistance with your report, please contact Margaret Ross at Ross.margaret@epa.gov.

Thanks,
Margaret

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221 |work cell 202-527-0432

From: [Vogel, Dana](#)
To: [Griffo, Shannon](#)
Subject: RE: Follow-up from OGC/Ethics - your public financial disclosure report
Date: Thursday, July 15, 2021 4:27:44 PM

Thx!

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, July 15, 2021 4:15 PM
To: Vogel, Dana <Vogel.Dana@epa.gov>
Subject: RE: Follow-up from OGC/Ethics - your public financial disclosure report
Thanks for the quick response Dana! I'll add that info to your report and get it certified.
Shannon Griffo
Office of General Counsel, Ethics Office
U.S. Environmental Protection Agency
(202) 564-7061
Griffo.Shannon@epa.gov

From: Vogel, Dana <Vogel.Dana@epa.gov>
Sent: Thursday, July 15, 2021 3:57 PM
To: Griffo, Shannon <Griffo.Shannon@epa.gov>
Subject: RE: Follow-up from OGC/Ethics - your public financial disclosure report
Hi Shannon,
In response to your 2 questions...

1. (b) (6)
2. (b) (6)

Let me know if you need anything else!
Dana

From: Griffo, Shannon <Griffo.Shannon@epa.gov>
Sent: Thursday, July 15, 2021 9:05 AM
To: Vogel, Dana <Vogel.Dana@epa.gov>
Subject: Follow-up from OGC/Ethics - your public financial disclosure report
Hi Dana,

I'm currently reviewing your Annual Report in Integrity and had two quick follow-up questions:

1. For the (b) (6)

[REDACTED]
[REDACTED]
[REDACTED] ?

2. We also need to insert (b) (6)

[REDACTED] ?

If you let me know that information, I can add it to your report instead of sending it back to you.
Then I'll be able to get it certified.

Thanks so much!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

Griffo.Shannon@epa.gov

From: [Vogel, Dana](#)
To: [Griffo, Shannon](#)
Subject: RE: Follow-up question from OGC/Ethics - your recent 278
Date: Thursday, April 28, 2022 9:53:44 AM

Sounds good! Thanks!

From: Griffo, Shannon <Griffo.Shannon@epa.gov>

Sent: Thursday, April 28, 2022 9:52 AM

To: Vogel, Dana <Vogel.Dana@epa.gov>

Subject: RE: Follow-up question from OGC/Ethics - your recent 278

It's still a mystery to me as well! I always have to look this stuff up because I can never remember the requirements. But based on what you've said below, here's how you should report it:

#	Description	EIF	Value	Income Type	Income Amount
(b) (6), (b) (7)(F)	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]

I can go ahead and make those changes for you, unless you have any objections.

So in the future, remember that you must report holdings in virtual currency if the value of the virtual currency holding exceeded \$1,000 at the end of the reporting period, or if the income produced by the virtual currency exceeded \$200 during the reporting period.

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

From: Vogel, Dana <Vogel.Dana@epa.gov>

Sent: Thursday, April 28, 2022 7:35 AM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>

Subject: RE: Follow-up question from OGC/Ethics - your recent 278

Hi,

Sorry, this crypto currency thing is still a bit of a mystery to me. Here's what I have:

(b) (6)
[REDACTED]

The only one that would have (b) (6)

Let me know if there I anything I missed!

Thanks!

Dana

From: Griffo, Shannon <Griffo.Shannon@epa.gov>

Sent: Wednesday, April 27, 2022 3:41 PM

To: Vogel, Dana <Vogel.Dana@epa.gov>

Subject: Follow-up question from OGC/Ethics - your recent 278

Hi Dana,

I'm finishing up my review of your Annual Report and had a quick follow-up question about your cryptocurrency. According to [OGE's guidance](#), when reporting virtual currency, you provide the full name of the virtual currency and, if held through an exchange or platform, indicate the name of the exchange or platform in which it is held. Here is the example given in OGE's guidance:

#	Description	EIF	Value	Income Type	Income Amount
1	Bitcoin (Coinbase account)	N/A	\$1,001 - \$15,000		None (or less than

					\$201)
2	Litecoin (Poloniex account)	N/A	None (or less than \$1,001)	capital gains	\$1,001 - \$2,500

Right now you currently have (b) (6) as the description. And I'm glad you noted it's a commodity because that means you aren't required to report transactions of commodities under the Ethics in Government Act. But if you give me the additional information, I can add it to your report.

Once we get that squared away, I'll be able to certify your report.

Thanks!

Shannon

Shannon Griffo

Office of General Counsel, Ethics Office

U.S. Environmental Protection Agency

(202) 564-7061

From: [Vogel, Dana](#)
To: [Mosley, Ferne](#)
Cc: [ethics](#)
Subject: RE: request extension for annual filing
Date: Tuesday, May 4, 2021 3:04:25 PM

That works. Thank you.

dana

From: Mosley, Ferne <mosley.ferne@epa.gov>

Sent: Tuesday, May 04, 2021 3:03 PM

To: Vogel, Dana <Vogel.Dana@epa.gov>

Cc: ethics@epa.gov

Subject: RE: request extension for annual filing

Hello, we can offer you a 45-day extension – until **July 1**. We made sure to assign the reports early in the year to give employees several months to gather information for timely filing on May 17. Unless you have extreme circumstances, for example, as a serious illness, we will limit your extension to 45 days. It is important to get your form in timely in order to address any potential conflicts.

Sincerely, Ferne

Ferne L. Mosley, Attorney-Advisor

U.S. Environmental Protection Agency

Ethics Office/Office of General Counsel

William Jefferson Clinton Building North, Room 4113A

1200 Pennsylvania Ave, NW

Washington, DC 20460

(202) 564-8046 (desk)

(202) 306-2998 (mobile)

mosley.ferne@epa.gov

From: Vogel, Dana <Vogel.Dana@epa.gov>

Sent: Monday, May 3, 2021 7:27 AM

To: ethics@epa.gov

Subject: request extension for annual filing

Good morning, I would like to request a 90 day extension to gather materials needed to complete the report form for my annual filing.

Regards,

Dana Vogel

Director, Health Effects Division

Office of Pesticide Programs

703-305-0874

From: [Vogel, Dana](#)
To: [Fugh, Justina](#)
Subject: RE: update: I was WRONG about reporting (b) (6) transactions
Date: Wednesday, March 16, 2022 1:24:36 PM

Ok will do! I am soooo confused!!!!

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, March 16, 2022 12:59 PM
To: Vogel, Dana <Vogel.Dana@epa.gov>
Subject: RE: update: I was WRONG about reporting (b) (6) transactions
I tell you, I am hating cryptocurrency. Okay, it seems that (b) (6)

[REDACTED]

From: Fugh, Justina
Sent: Wednesday, March 16, 2022 11:28 AM
To: Vogel, Dana <Vogel.Dana@epa.gov>
Subject: RE: update: I was WRONG about reporting (b) (6) transactions
Oh, I thought you (b) (6) Can you ask your husband for more information about his investment because maybe I was right the first time.

From: Vogel, Dana <Vogel.Dana@epa.gov>
Sent: Wednesday, March 16, 2022 10:57 AM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: update: I was WRONG about reporting (b) (6) transactions
Thanks Justina!
I still don't understand all of this stuff but my bottom line is that I don't have to report (b) (6) as a transaction(yay!). I noted the caveat that virtual currency that is considered an "investment contract" would need to be reported as a transaction.
Dana

From: Fugh, Justina <Fugh.Justina@epa.gov>
Sent: Wednesday, March 16, 2022 9:40 AM
To: Vogel, Dana <Vogel.Dana@epa.gov>
Subject: update: I was WRONG about reporting (b) (6) transactions
Dana,

I am very sorry, but I just re-read guidance from the Office of Government Ethics about [virtual currency](#). They make a distinction between those digital assets that are securities from those that are commodities. Apparently, the CFTC and the SEC have concluded that (b) (6) is a commodity, not a security. **This is hugely important for you (and your husband) because you do not have to report transactions of commodities.**

You still have to report this asset on your annual report, but you do not have to report the transactions. WHEW for you guys! Please note, however, that this corrected advice doesn't apply to all types of virtual currency. If the digital asset is an "investment contract," it will meet the definition of "security" because it involves an "investment of money in a common enterprise with a reasonable expectation of profits derived from the entrepreneurial or managerial efforts of others." For example, digital tokens or coins offered in connection with an initial coin offering has been deemed a security.

I am sorry for causing you and your husband this commotion. I really didn't realize that (b) (6) was

treated differently than other types of virtual currency.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Fugh, Justina

Sent: Sunday, March 13, 2022 3:55 PM

To: Vogel, Dana <Vogel.Dana@epa.gov>

Subject: following up on (b) (6) transactions (yes, they are reportable)

Hi Dana,

A week or so ago, we talked about the reporting requirements for people like you who file the public financial disclosure report. Not only must you file the annual report by mid-May (this year, it's due May 16th) but you also have to report on certain types of transactions. Please see the attached chart that describes in greater detail when you must report transactions. Here's the short version:

- You have to report on transactions (i.e., a purchase, sale exchange) of \$1000 or more
 - For diversified mutual funds and exchange traded funds, you need to report those transactions annually on Part 7 of your incumbent report
 - For individual stocks or bonds, even in managed accounts or IRAs, you need to report those transactions periodically by completing a 278T in INTEGRITY.
- You must report these transactions 30 days after receiving notice but not later than 45 days after the trade itself. Think of this as a monthly reporting requirement
- Failure to report these transactions timely results in an automatic \$200 late filing fee

You also asked whether cryptocurrency or (b) (6) investments are reportable, and they are. Not only must you report the overall investment value on your financial disclosure report (most likely in Part 6), but you also have to report any transactions. Should your spouse or you buy or sell virtual currency of \$1000 or more, then you will need to file a 278T timely and also report all of those transactions on Part 7 of the financial disclosure report. Filers like you are required to "report their holdings in a virtual currency if the value of the virtual currency holding exceeded \$1,000 at the end of the reporting period or if the income produced by the virtual currency holding exceeded \$200 during the reporting period. Filers are required to identify the name of the virtual currency and, if held through an exchange

or platform, the exchange or platform on which it is held." See "Guidance for Reporting Virtual Currency on Financial Disclosure Reports," Office of Government Ethics, [LA-18-06](#) (June 18, 2018).

Sorry for not closing this loop earlier, and let me know if you have any additional questions.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: [Vogel, Dana](#)
To: [Fugh, Justina](#)
Subject: RE: following up on (b) (6) transactions (yes, they are reportable)
Date: Monday, March 14, 2022 1:20:01 PM

Ok thx!

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Monday, March 14, 2022 1:01 PM

To: Vogel, Dana <Vogel.Dana@epa.gov>

Subject: RE: following up on (b) (6) transactions (yes, they are reportable)

Sure! My calendar is up to date, so feel free to set up 15 minutes that's convenient for you!

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Vogel, Dana <Vogel.Dana@epa.gov>

Sent: Monday, March 14, 2022 12:08 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: RE: following up on (b) (6) transactions (yes, they are reportable)

Thanks Justina,

Is it ok if I setup sometime (maybe tomorrow am) to discuss? I want to make sure I submit the required paperwork correctly!

From: Fugh, Justina <Fugh.Justina@epa.gov>

Sent: Sunday, March 13, 2022 3:55 PM

To: Vogel, Dana <Vogel.Dana@epa.gov>

Subject: following up on (b) (6) transactions (yes, they are reportable)

Hi Dana,

A week or so ago, we talked about the reporting requirements for people like you who file the public financial disclosure report. Not only must you file the annual report by mid-May (this year, it's due May 16th) but you also have to report on certain types of transactions. Please see the attached chart that describes in greater detail when you must report transactions. Here's the short version:

- You have to report on transactions (i.e., a purchase, sale exchange) of \$1000 or more
 - For diversified mutual funds and exchange traded funds, you need to report those transactions annually on Part 7 of your incumbent report
 - For individual stocks or bonds, even in managed accounts or IRAs, you need to report those transactions periodically by completing a 278T in INTEGRITY.
- You must report these transactions 30 days after receiving notice but not later than 45 days after the trade itself. Think of this as a monthly reporting requirement
- Failure to report these transactions timely results in an automatic \$200 late filing fee

You also asked whether cryptocurrency or (b) (6) investments are reportable, and they are. Not only must you report the overall investment value on your financial disclosure report (most likely in Part 6), but you also have to report any transactions. Should your spouse or you buy or sell virtual currency of \$1000 or more, then you will need to file a 278T timely and also report all of those transactions on Part 7 of the financial disclosure report. Filers like you are required to "report their

holdings in a virtual currency if the value of the virtual currency holding exceeded \$1,000 at the end of the reporting period or if the income produced by the virtual currency holding exceeded \$200 during the reporting period. Filers are required to identify the name of the virtual currency and, if held through an exchange

or platform, the exchange or platform on which it is held.” See “Guidance for Reporting Virtual Currency on Financial Disclosure Reports,” Office of Government Ethics, [LA-18-06](#) (June 18, 2018).

Sorry for not closing this loop earlier, and let me know if you have any additional questions.

Justina

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From: [Fugh, Justina](#)
To: [Vogel, Dana](#)
Subject: following up on (b) (6) transactions (yes, they are reportable)
Date: Sunday, March 13, 2022 3:55:00 PM
Attachments: [When to Report Transactions on the OGE 278T and Part 7 - May 2019.docx](#)
[Advisory to all 278 filers about filing fee.pdf](#)

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